

REMARKS

In the Office Action, the Examiner rejected Claims 1-21, which were all of the then pending claims, under 35 U.S.C. §102 as being fully anticipated by U.S. Patent 6,041,316 (Allen). The previous rejection of Claims 14-16, 20 and 21 under 35 U.S.C. §101, it may be noted, has been withdrawn.

Applicants are herein amending Claims 1, 14, 17 and 20 to better define the subject matters of these claims. Claims 2-9 and 21 are being cancelled to reduce the number of issues in this case. New dependent Claims 22-30 are being added to describe additional features. Of these new claims, Claims 22-24 are dependent from Claim 1, Claims 25 and 26 are dependent from Claim 14, Claims 27 and 28 are dependent from Claim 17, and Claims 29 and 30 are dependent from Claim 20.

For the reasons advanced below, Claims 1, 10-20 and 21-30 patentably distinguish over the prior art and are allowable. The Examiner is, accordingly, requested to reconsider and to withdraw the rejection of Claims 1 and 10-20 and 21 under 35 U.S.C. §102, and to allow these claims and new Claims 22-30.

As explained in detail in the present application, this invention, generally, relates to methods and systems to encourage users to purchase software applications after they have been provided with a demonstration or trial version. In accordance with the invention, after the user receives the trial or demonstration version, the performance of that trial or demonstration version is gradually diminished over time. With this procedure, when the application performance is being reduced, the user is able to continue using the trial or demonstration version of the application and can become reliant thereon. At the same time,

the user's desire to have the full performance of the application causes him or her to purchase the product.

Various specific ways may be used to diminish the performance or appearance of the computer application. For example, this may be done by degrading a network bandwidth, by degrading the processing speed, or by producing tactile stimulus such as vibrations.

Independent Claims 1, 14, 17 and 20 are being amended to describe more specifically, how the performance or appearance of the computer application is diminished. In particular, Claims 1 and 17 indicate that this is done by degrading a network bandwidth, Claim 14 describes the feature that the performance is diminished by degrading the computer processing speed, and Claim 20 describe the feature that the performance is degraded by producing tactile stimulus.

Allen, the only reference relied on by the Examiner to reject the claims, does not disclose or suggest the specific ways for diminishing the application performance.

Allen discloses procedures for delivering data over a communications network in a manner that encourages users to pay royalties for the use of the data. This is done by providing the user with a partially degraded version of a product, without requiring any payment of a royalty fee; and then, providing a higher quality version of the product if the user pays the appropriate fees.

It is noted that Allen, from column 7, line 47 to column 8, line 57, describes various ways to partially degrade the product. For example, the product may be degraded by filtering out major or key portions of the data, or by adding noise. Also, one or more portions of the data could be encrypted.

These types of ways to diminish the product are significantly different than the above-described techniques that are now described in Claims 1, 14, 17 and 20. Generally, the Allen procedures relate to the way the computer application looks or sounds to a user, while the techniques now described in Claims 1, 14, 17 and 20 relate more to the practical functionality of the program to the user.

These latter techniques are of utility because they more strongly encourage a user to purchase the application while still allowing the user comparatively full use of the diminished application but in an impractical way.

The other references of record have been reviewed, and it is believed that these other references, whether considered individually or in combination, are not more pertinent than Allen. In particular, these other references also do not disclose or suggest diminishing the performance of a computer application as, and in the context, described in independent Claims 1, 14, 17 and 20.

In view of the above-discussed differences between Claims 1, 14, 17 and 20 and the prior art, and because of the advantages associated with those differences, these claims patentably distinguish over the prior art and are allowable. Claims 10-13 and 22-24 are dependent from Claim 1 and are allowable therewith; and Claims 15, 16, 25 and 26 are dependent from, and are allowable with, Claim 14. Similarly, Claims 18, 19, 27 and 28 are dependent from Claim 17 and are allowable therewith; and Claims 29 and 30 are dependent from Claim 20 and are allowable therewith. The Examiner is, accordingly, asked to reconsider and to withdraw the rejection of Claims 1 and 10-20 under 35 U.S.C. §102, and to allow these claims and new Claims 22-30.

Every effort has been made to place this case in condition for allowance, a notice of which is requested. If the Examiner believes that a telephone conference with Applicants' Attorneys would be advantageous to the disposition of this case, the Examiner is asked to telephone the undersigned.

Respectfully submitted,

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